

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1886 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

BHAGIRATHIBEN WD/O MAGANLAL J PATEL

Versus

PURSHOTTAMDAS PARMANAND PATEL

Appearance:

MS NANDINI JOSHI for Petitioner

MR BM MANGUKIYA for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/02/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The amendment prayed for in the plaint by the
plaintiff - petitioner came to be rejected under the
impugned order dated 17th November, 1998 of the Principal

Judge, Court No.1, City Civil Court, Ahmedabad.

3. Learned counsel for the petitioner has failed to point out any perversity in the order. Though the learned counsel for the petitioner made arguments on the merits of the matter and cited certain authorities, I do not consider it to be appropriate to give any finding on the merits of the matter otherwise, the plaintiff petitioner may not have any opportunity to challenge this order in regular appeal to be filed in case of his failure in the suit. This case does not fall under any of the clauses (a), (b) and (c) of subsection (1) of section 115, C.P.C. Otherwise also it is only an interlocutory order and it is always subject to correction by the appellate court where the same is challenged. So in case this order is allowed to stand it will not occasion failure of justice or will not cause any irreparable injury to the petitioner. Otherwise also, merits of the order has to be touched in C.R.A. only when the court is satisfied that the order has to be reversed but where prima-facie where the court is satisfied that the order is correct, merits may not be touched otherwise the right of appeal against this order may be defeated.

4. In the result, this revision application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this court stands vacated. No order as to costs.

5. The suit out of which this revision application arises is of the year 1987. Learned trial court is directed to dispose of the suit finally within a period of six months from the date of receipt of writ of this order in case it is not disposed of so far.

zgs/-